

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

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(Admitted *pro hac vice*)

PROPOSED ATTORNEYS FOR DEBTOR

In re:

LTL MANAGEMENT LLC,¹

Debtor.

Chapter 11

Case No.: 23-12825 (MBK)

Judge: Michael B. Kaplan

Hearing Date and Time:
June 27, 2023 at 10:00 a.m.

**DECLARATION OF DANIEL J. MERRETT IN SUPPORT OF
DEBTOR'S OMNIBUS OBJECTION TO MOTIONS TO DISMISS CHAPTER 11 CASE**

I, Daniel J. Merrett, hereby declare under penalty of perjury:

1. I am a partner of the law firm of Jones Day, and my office is located at 1221 Peachtree Street, N.E., Suite 400, Atlanta, Georgia 30361. I am a member in good standing

¹ The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

of the Bar of the State of Georgia. My application to appear *pro hac vice* was approved by this Court [Dkt. 144]. There are no disciplinary proceedings pending against me.

2. I submit this declaration (the “Declaration”) in connection with the *Debtor’s Omnibus Objection to Motions to Dismiss Chapter 11 Case*, filed contemporaneously herewith. I have personal knowledge of the matters set forth herein.

3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the transcript of the hearing held on April 18, 2023, before the United States Bankruptcy Court for the District of New Jersey in In re LTL Management LLC, No. 23-12825 (Bankr. D.N.J. Apr. 18, 2023).

4. Attached hereto as Exhibit 2 is a true and correct copy of Johnson & Johnson’s press release entitled “Johnson & Johnson Consumer Health Announces Discontinuation of Talc-based Johnson’s Baby Powder in U.S. and Canada” published on May 19, 2020, at <https://www.jnj.com/our-company/johnson-johnson-consumer-health-announces-discontinuation-of-talc-based-johnsons-baby-powder-in-u-s-and-canada>.

5. Attached hereto as Exhibit 3 is a true and correct copy of Johnson & Johnson’s press release entitled “Johnson & Johnson Announces Plans to Accelerate Innovation, Serve Patients and Consumers, and Unlock Value through Intent to Separate Consumer Health Business” published on November 12, 2021, at <https://www.jnj.com/johnson-johnson-announces-plans-to-accelerate-innovation-serve-patients-and-consumers-and-unlock-value-through-intent-to-separate-consumer-health-business>.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the transcript of the hearing held on February 16, 2022, before the United States Bankruptcy

Court for the District of New Jersey in In re LTL Management LLC, No. 21-30589 (Bankr. D.N.J. Feb. 16, 2022).

7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the hearing held on November 5, 2021, before the United States Bankruptcy Court for the Western District of North Carolina in LTL Mgmt. LLC v. Those Parties Listed on Appendix A to Complaint (In re LTL Mgmt. LLC), Adv. Pro. No. 21-03032 (JCW) (Bankr. W.D.N.C. Nov. 5, 2021).

8. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the *Responses and Objections to the Debtor's First Set of Interrogatories to the Official Committee of Talc Claimants*, dated May 6, 2023, in In re LTL Management LLC, No. 23-12825 (Bankr. D.N.J.).

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the transcript of the hearing held on April 11, 2023, before the United States Bankruptcy Court for the District of New Jersey in In re LTL Management LLC, No. 23-12825 (Bankr. D.N.J. Apr. 11, 2023).

10. Attached hereto as **Exhibit 8** is a true and correct copy of an email with the subject line “Johnson & Johnson Second Talc Bankruptcy is Another Sham” sent from Andy Birchfield of plaintiff firm Beasley Allen to clients on April 5, 2023.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the Expert Report of Gregory K. Bell Ph.D., dated January 28, 2022.

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from *Response of Tort Victims Represented by Baron & Budd and Silber Pearlman to the Motions to*

Dismiss Filed By Various Insurers filed in In re Mid-Valley, Inc., No. 03-35592-JKF [Dkt. 482]
(Bankr. W.D. Pa. Jan. 29, 2004).

13. Attached hereto as **Exhibit 11** is a true and correct copy of *The Consolidation Effect: New York City Asbestos Verdicts, Due Process and Judicial Efficiency* written by Peggy L. Ableman and published in 14 Mealy's Asbestos Bankr. Rep. 9 (2015).

14. Attached hereto as **Exhibit 12** is a true and correct copy of a letter from the Honorable Ana C. Viscomi to "All plaintiffs' counsel who have J&J Talc matter venued in Middlesex County" dated April 26, 2023.

15. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the transcript of the hearing held on May 19, 2023, before the Superior Court of the State of California, County of Alameda in Daugherty v. Johnson & Johnson, No. RG19013937 (May 19, 2023).

16. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the transcript of the hearing held on April 20, 2023, before the United States Bankruptcy Court for the District of New Jersey in In re LTL Management LLC, No. 23-12825 (Bankr. D.N.J.).

17. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the transcript of the hearing held on May 16, 2023, before the United States Bankruptcy Court for the District of New Jersey in In re LTL Management LLC, No. 23-12825 (Bankr. D.N.J. May 16, 2023).

18. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the transcript of the hearing held on February 18, 2022, before the United States Bankruptcy Court for the District of New Jersey in In re LTL Management LLC, No. 21-30589 (Bankr. D.N.J. Feb. 18, 2022).

19. Attached hereto as **Exhibit 17** is a true and correct copy of Johnson & Johnson's press release entitled "Johnson & Johnson Takes Steps to Equitably Resolve All Current and Future Talc Claims" published on October 14, 2021, at <https://www.jnj.com/johnson-johnson-takes-steps-to-equitably-resolve-all-current-and-future-talc-claims>.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: May 26, 2023
Atlanta, Georgia

Respectfully submitted,

/s/ Daniel J. Merrett
Daniel J. Merrett